

REMARKS

Applicant has filed the present Amendment and Response in reply to the outstanding Final Official Action of April 28, 2006, and Applicant believes the Response to be fully responsive to the Final Official Action for the reasons set forth below in greater detail.

Applicant would like to thank the Examiner for taking the time to speak with Applicant's representative in a telephone interview. During the interview, Applicant's representative discussed several proposed claim amendments, especially regarding Claims 1 and 6. The Examiner agreed that the proposed amendments to Claims 1 and 6 would clarify the invention and overcome the rejection. Accordingly, Applicant has amended Claims 1, 6 and 10 herewith. Claim 1 has been amended to recite that the second data generating means also generates received data and the control unit executes computational processing on said first and second quality data. Claim 6 has been amended to recite that the second data generating means also generates received data, and that the correcting circuit corrects the received signal frequency data on the basis of a difference signal obtained between a phase of the received signal and a delay signal based on a correction signal.

Additionally, Applicant notes that the dependencies for Claims 10-14 have been amendment; the claims now depend from allowed Claim 15. Claim 9 is cancelled.

No new matter has been added to the application by the aforementioned claim amendments. For example, support therefore can be found in Figure 1 and pages 12-14. Additionally, the claim amendments are not a new issue that requires a new search. Firstly, the amendments to claims 10-14 change the dependencies to an allowed claim. Secondly, the amendment to Claim 6 incorporates subject matter that was already search, i.e., subject matter

that is in Claim 15. Thirdly, the amendment to Claim 1 incorporates similar subject matter that is in Claims 5 and 16.

Applicant submits that all of the pending claims are patentably distinct from the cited reference, Fukushima for at least the following reasons. With respect to Claim 1, Applicant submits that the reference fails to teach, suggest or disclose the limitation of “the control unit executes computational processing on said first and second quality data,” as recited.

Pro arguendo, even if the “control unit” is elements 29 and 30 of the reference, as the Examiner avers, elements 29 and 30 do not execute computational processing on the first and second quality data. At best, element 29 causes element 30 to switch between the differential detection and the coherent differential detection in accordance with the first and second quality data. Generating a switching signal is not computational processing on the quality data as claimed. Switching is also not a computational process. Accordingly, Claim 1 is patentably distinct from the cited reference.

With respect to Claim 6, Applicant submits that the reference fails to teach, suggest or disclose the limitation of “a correcting circuit for correcting the received signal frequency data on the basis of a difference signal obtained between a phase of the received signal and a delay signal **based on a correction signal**,” as recited.

Figure 1 of the instant specification illustrates that the output of the first subtracter is fed as an input to the correction circuit. The output of the first subtracter is based upon the delayed phase data, the phase data and the correction signal. Therefore, the correcting circuit correcting the received signal frequency data on the basis of a difference signal obtained between a phase of the received signal and a delay signal based on a correction signal. In stark contrast, the correcting circuit disclosed in the reference has an input of Foff, which is the output from a

different subtracter or branch, i.e., not a closed loop. Foff is output from the subtracter corresponding to the differential detector and not the coherent detector. Therefore, the correcting circuit is not correcting the frequency on based upon the claimed parameters.

Accordingly, the reference fails to teach each and every limitation of the claim and, thus the claim is patentably distinct therefrom.

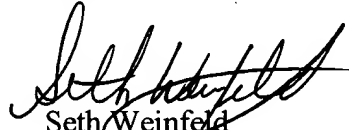
Claims 2-5 and Claims 7 and 8 are patentably distinct from the cited reference at least based upon the aforementioned analysis and in view of their dependency, whether directly or indirectly, from Claims 1 and 6, respectively.

Claims 10-14 are patentably distinct from the cited reference based upon their dependency, whether directly or indirectly, from Claim 15.

For all the foregoing reasons, the Applicant respectfully requests the Examiner to withdraw the rejections of Claims 1-8 pursuant to 35 U.S.C. § 102(b). Furthermore, Applicant respectfully requests the Examiner to withdraw the rejections of Claims 10-14 pursuant to 35 U.S.C. § 102(a).

In conclusion, the Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,


Seth Weinfeld
Registration No: 50,929

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
SW:ae/dg